

**BEFORE THE TENNESSEE STATE BOARD OF EQUALIZATION**

IN RE:           Space Park, LLC                                 )  
                Map 026-00-0, Parcel 3.00                 ) Davidson County  
                Commercial & Industrial Property         )  
                Tax Years 2005 & 2006                   )

## INITIAL DECISION AND ORDER

## Statement of the Case

The subject property is presently valued as follows:

| <u>LAND VALUE</u> | <u>IMPROVEMENT VALUE</u> | <u>TOTAL VALUE</u> | <u>ASSESSMENT</u> |
|-------------------|--------------------------|--------------------|-------------------|
| \$1,823,700       | \$13,392,700             | \$15,216,400       | \$6,086,560       |

An appeal has been filed on behalf of the property owner with the State Board of Equalization. The undersigned administrative judge conducted a hearing in this matter on January 17, 2007 in Nashville, Tennessee. In attendance at the hearing were registered agent Michael John and Matt Dobson for the appellant, and Davidson County Property Assessor's representative Dennis Donovan, MAI.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

Subject property consists of a 38.86 acre tract improved with nine (9) buildings constructed between 1979 and 1984 utilized for warehousing. Subject property is located at 0 South Cartwright Parkway in Goodlettsville, Tennessee.

The basis of valuation as stated in Tennessee Code Annotated Section 67-5-601(a) is that "[t]he value of all property shall be ascertained from the evidence of its sound, intrinsic and immediate value, for purposes of sale between a willing seller and a willing buyer without consideration of speculative values . . ."

The administrative judge finds both parties are in agreement subject property has a fair market value of approximately \$13,900,000 - \$14,000,000 based upon the various income approaches in the record. The administrative judge finds that the preponderance of the evidence supports adoption of the following income approach:

|                                |                  |
|--------------------------------|------------------|
| Potential Gross Income         | \$ 2,212,005     |
| Less Vacancy & Collection Loss | - <u>207,928</u> |
| Effective Gross Income         | \$ 2,004,077     |
| Plus Other Income              | + <u>100,000</u> |
| Total Effective Gross Income   | \$ 2,104,077     |
| Less Operating Expenses        | - <u>557,981</u> |
| Net Operating Income (NOI)     | \$ 1,546,096     |
| NOI Capitalized at 11.12%      | ÷ <u>.1112</u>   |
| Indicated Value                | \$13,903,700     |
| Plus Tower                     | + <u>75,000</u>  |
| Total Value                    | \$13,978,700     |

ORDER

It is therefore ORDERED that the following value and assessment be adopted for tax years 2005 and 2006:

| <u>LAND VALUE</u> | <u>IMPROVEMENT VALUE</u> | <u>TOTAL VALUE</u> | <u>ASSESSMENT</u> |
|-------------------|--------------------------|--------------------|-------------------|
| \$1,823,700       | \$12,155,000             | \$13,978,700       | \$5,591,480       |


It is FURTHER ORDERED that any applicable hearing costs be assessed pursuant to Tenn. Code Ann. § 67-5-1501(d) and State Board of Equalization Rule 0600-1-.17.

Pursuant to the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-301—325, Tenn. Code Ann. § 67-5-1501, and the Rules of Contested Case Procedure of the State Board of Equalization, the parties are advised of the following remedies:

1. A party may appeal this decision and order to the Assessment Appeals Commission pursuant to Tenn. Code Ann. § 67-5-1501 and Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization. Tennessee Code Annotated § 67-5-1501(c) provides that an appeal **“must be filed within thirty (30) days from the date the initial decision is sent.”** Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization provides that the appeal be filed with the Executive Secretary of the State Board and that the appeal **“identify the allegedly erroneous finding(s) of fact and/or conclusion(s) of law in the initial order”**; or
2. A party may petition for reconsideration of this decision and order pursuant to Tenn. Code Ann. § 4-5-317 within fifteen (15) days of the entry of the order. The petition for reconsideration must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking administrative or judicial review; or
3. A party may petition for a stay of effectiveness of this decision and order pursuant to Tenn. Code Ann. § 4-5-316 within seven (7) days of the entry of the order.

This order does not become final until an official certificate is issued by the Assessment Appeals Commission. Official certificates are normally issued seventy-five (75) days after the entry of the initial decision and order if no party has appealed.

ENTERED this 23rd day of January, 2007.

  
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MARK J. MINSKY  
ADMINISTRATIVE JUDGE  
TENNESSEE DEPARTMENT OF STATE  
ADMINISTRATIVE PROCEDURES DIVISION

c: Mr. Michael John  
Jo Ann North, Assessor of Property